

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	CC Docket No. 02-6
)	
Keppel Union School District)	
BEN #144012)	
)	
Schools and Libraries Universal)	
Service Support Mechanism)	

Petition for Reconsideration of the decision to deny an appeal dated May 30, 2017 to waive the 60-day appeal deadline and waive the 15-day applicant response period during PIA.

RE: FCC Form 471 Application # 161038857

I. Reconsideration

The Keppel Union School District (KUSD) is requesting reconsideration of the commission's denial released June 29, 2017, DA No. 17-618 for failing to meet the 60-day appeal window and reconsideration of the 15-day PIA response period.

II. EPC User Challenges

USAC introduced the EPC system in the fall of 2015. At the time, emails were sent to the contact email that USAC had on file. Many of the initial emails were captured by spam filters and went into junk mail files so existing users had no way of accessing EPC. If the contact person on file leaves the organization, emails go unanswered. Additionally, if the contact is the application administrator, Client Service Bureau makes it extremely difficult to change this information. Many times, they request a letter from the superintendent to change the authorized contact. USACs dependence on email to communicate with applicants causes an undue burden on districts that have turnover in staff. For example, Keppel Union School District lost the Superintendent (Jan. 2016), Assistant Superintendent (June 2016), EPC Account Administrator, Business Director, and Director of Operations in July 2016 leaving no institutional knowledge about the E-rate program.

A new Superintendent for KUSD was hired on July 1, 2016, only days before the Account Administrator officially left the district (July 5, 2016). The newly hired Superintendent (see Appendix B) was not made aware of the existence of an E-rate EPC portal. All of the key personnel, with respect to E-rate knowledge (Assistant Superintendent, Director of Operations, Director of Business Services and EPC account administrator all left in July 2016) were gone from the district. It was during this time that critical PIA questions were sent to emails that no longer existed in the district. The result was that, without access to EPC and the knowledge that essential E-rate inquiries and notifications *would be available only within EPC* no one in the new administration was aware that E-rate program rules of timely response were being violated.

Note: It is important to note that the district address and telephone number did not change at any point during this time.

In October, a new Director of Business Services was hired however, all the institutional knowledge of E-rate had left the district in July. On October 11, 2016 two separate Case Management Associates from Program Integrity Review (PIA) reached out to the contact through the EPC Portal on FCC Form 471 # 161038857, however, the emails were unanswered because they were sent to people that no longer worked in the district.

Three PIA inquiries were related to Item 21 information supporting the application related to costs and one PIA inquiry asking for line counts. Review of the PIA questions that were not responded to showed that, for FRN #s 1699083534, 1699083554, and 1699083570 all requested that supporting documentation, such as a contract, be provided. In each of these instances a contract had been uploaded and associated with the FRN named.

Despite these contracts being uploaded into the system going back to when the applications were originally submitted prior to the form 471 deadline; PIA still requested validation in the PIA questions. If PIA would have reviewed the documents that were uploaded during the 471 submission, their PIA questions would not have been needed,

and in practical terms, the application could have been approved. Unfortunately, due to the lack response from the applicant, after the 15 day response period elapsed, the reviewers forwarded the application in the review process with a zero funding determination. No one within the current KUSD administration or any related staff ever saw these inquiries.

PLEASE NOTE: The district has no record of any attempt of PIA calling or faxing the district to inform them of open questions. This has been a historical practice of E-rate process in past years (prior to the full implementation of EPC last year).

The Keppel Union School District only became aware of the FY16 FCDL and its funding denial on March 13, 2017 (see Appendix A) when they hired a consultant firm to assist them with filing the FY2017 E-rate paperwork which resulted in the request for reconsideration.

III REQUEST

The Keppel Union School District respectfully petitions the Commission to reconsider the denial of the waiver of the 60-day filing of a timely appeal and waive the 15 day timely PIA response period for the foregoing reasons. We urge you to waive the rules on timely appeal and ask you to remand the FRNs in question back to USAC for review and allow KUSD the opportunity to respond to inquiries.

The circumstances outlined were beyond KUSDs control. In the letter dated April 18, 2017 from Commissioner Pai to former CEO Chris Henderson, Commissioner Pai outlined the serious flaws in the administration of the E-rate program. The letter describes issues surrounding the implementation of the EPC system and requested a commitment that USAC become customer service oriented no matter the IT situation. In this case SOLIX should have mailed a letter to the district notifying the KUSD that a response was needed. Assuming questions are going unanswered because the applicant just does not want to answer them is negligent. The KUSD is most willing to respond to PIA inquiry and would have done so in October if there had been any knowledge that such inquiry existed.

Thank you for reconsidering this request and note that the denial of these funds will create a serious financial hardship for the Keppel Union School District and the students that it serves. As stated above, our students come from a high poverty environment, and these category 1 funds allow us to serve our students better with our technology, and access to 21st century tools.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ruben Zepeda", with a long horizontal flourish extending to the right.

Ruben Zepeda, Superintendent
Keppel School District
PO Box 186
Pearblossom, California 93553-0186
(661) 944-2155 ext. 112

Appendix A

E-rate Productivity Center (EPC)

Screen Shot of Date FCDL was first viewed by Keppel Union School District

Welcome, KEPPEL UNION ELEM SCHOOL DIST

Notifications

Notification Type: FCDL

Funding Year: 2016

Wave Number: Please select a value

Status: All

Generated

Not Generated

Notification	Description	Issued Date	Generated By	Generated On	
 FCDL	FCC Form 471 - 161638857	1/3/2017	rseseda@keppel.k12.ca.us	1/3/2017 7:51 PM EDT	View Notification

Appendix B

Press Release naming Ruben Zapata to join Keppel Union School District in July 2016



*Seek Education
Strive for Excellence
Aspire to Greatness*

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Press Release For Immediate Distribution - May 27, 2016

It is with great pleasure that we announce the next Superintendent of the Keppel Union School District, Dr. Ruben Zapata. The Board voted unanimously, Mr. Gaines was absent, on his appointment at its May 26th regular meeting. Dr. Zapata briefly addressed the audience in both English and Spanish promising to build on the district's successes while urging the importance of teamwork among parents, staff, community members and Board Trustees. He stated that he was humbled by the support and faith the Board placed in his leadership.

Dr. Zapata most recently served as the Superintendent of the Arroyo-San Juan Unified School District for the last two years. In that time, Dr. Zapata wrote the district Local Control Accountability Plan, established district goals focusing on high learning expectations for all students, built new permanent classrooms with bond funds, improved the district's technological infrastructure for improved student learning and placed the district on the road to financial stability after suffering over a million dollars in unexpected budget cuts.

Dr. Zapata has been a public school educator for over 30 years and has been a resident of east Palmdale since 1990. He has been a teacher, assistant principal, principal, director, associate superintendent and superintendent with experience in districts as large as Los Angeles Unified School District and as small as neighboring Acton-Agua Dulce Unified School District. He is passionate about educating all students but has extensive experience in working with English learners, students with special needs and students from low income households. Dr. Zapata has supported the Keppel community during his wife's tenure as a first grade teacher at Antelope Elementary.

Dr. Zapata earned his doctorate in Education Policy and Leadership from the University of Southern California. He is also a graduate of the University of California at Los Angeles earning both his Bachelor of Arts in History and his teaching credential. Dr. Zapata earned School Business Management certificate from USC and is certified trainer in Interest Based Bargaining. Additionally, Dr. Zapata has worked at the local, state and federal levels advocating for schools and students.

Board President Jamie Dutton said, "The Board was impressed with Dr. Zapata's demonstrated leadership and passion for improving educational opportunity and achievement for all students." Dr. Zapata stated he was truly excited by the opportunity to come back home to partner this community in strengthening teaching and learning.

Dr. Zapata will begin his duties at the District in July.

Contact: Terry Smith
(661) 944-2155

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Appendix C